



NO. VLC-S-H-121044
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

HOME TRUST COMPANY

PETITIONER

AND:

STEWART EDWARD IRVINE,
CARMEL YOKO RICHTER,
SHERWIN JACK-YEN HO,
OLYMPIA TRUST COMPANY, IN TRUST
JANE DOE and JOHN DOE (TENANT)

RESPONDENTS

APPLICATION RESPONSE

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms]

Application response of: Carmel Yoko Richter and Sherwin Jack-Yen Ho (the
"application respondent")

THIS IS A RESPONSE TO the Notice of Application of Home Trust Company, filed
May 6, 2013.

Part 1: ORDERS CONSENTED TO

The application respondent consents to the granting of the Orders set out in the following
paragraphs of Part 1 of the notice of application on the following terms:

None (on any terms)

Handwritten initials

Part 2: ORDER OPPOSED

The application Respondent opposes the granting of the orders set out in paragraph 1 of Part 1 of the notice of application.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The application respondent takes no position on the granting of the Orders set out in paragraphs *NONE* of Part 1 of the notice of application.

Part 4: FACTUAL BASIS

[Using numbered paragraphs, set out a brief summary of the facts on which the orders sought in the application should not be granted]

1. The Application Respondent, being second mortgagees, are at higher risk of loss in this action than is the Petitioner;
2. The Application Respondent has continued with marketing throughout the time since the pronouncement of Order for Conduct of Sale (on 29th November, 2012);

Part 5: LEGAL BASIS

[Using numbered paragraphs, specify any rule or other enactment relied on and provide a brief summary of any other legal arguments on which the application respondent intends to rely in opposing the Orders sought in the application. If appropriate, include citation of applicable cases]

1. B.C. Supreme Court Civil Rules, R. 21-7;
2. Law and Equity Act, s. 15

PART 6: MATERIAL TO BE RELIED ON

[Using numbered paragraphs, list the affidavits served with this application response and any other affidavits and other documents already in the Court file on which the application respondent will rely. Each affidavit included on the list must be identified as follows: "Affidavit

#...[sequential number, if any, recorded in the top right hand corner of the affidavit]
....of....[name]....., made.....[dd/mm/yyyy].....”]

1. Affidavit no. 3 of Carmel Richter and Sherwin Ho, Application Respondent.

The application respondent estimates that the application will take twenty minutes.

[Check whichever one of the following is correct and complete any required information]

☒ [X] The application respondent has filed in this proceeding a document that contains the application respondent's address for service.

☐ [] The application respondent has not filed in this proceeding a document that contains an address for service. The application respondent's ADDRESS FOR SERVICE is:....
[set out the application respondent's address(es) for service in compliance with Rule 4-1(1) of the Supreme Court Civil Rules and any additional address(es) under Rule 4-1(2) of the Supreme Court Civil Rules and any additional address(es) under Rule 4-1(2) that the application respondent wishes to include.].....

Date: 24th May, 2013.


Signature of **Jack Micner**

☐ application respondent

☒ [X] Lawyer for application respondent

.....[type or print name].....

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RESPONDENTS

APPLICATION RESPONSE

Our File: Richter/Ho ats Home Trust et al
File no. 21903JM

JACK MICNER

SPRY HAWKINS MICNER
BARRISTER & SOLICITOR
Attention: Jack Micner/Tracey Taylor-Maki
Suite 440 – 5900 No. 3 Road
RICHMOND, B.C.
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